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9
10 *Attorneys for Third-party Defendant/Third-Party Plaintiff,*
11 **FOXMARK MARKETING CORPORATION**

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 * * * * *

15 10 **ESPERANZA HOPE PHAM,**
16 11 Plaintiff,

17 12 vs.

18 13 **WAL-MART STORES, INC., d/b/a SAM'S**
19 CLUB STORE #6382; SAM'S WEST INC.;
20 NIC HESTAND; NATIONAL BEDDING
21 COMPANY L.L.C.; SERTA INC.; FOXMARK
22 MARKETING CORPORATION a/k/a
23 FOXMARKMARK; DOES I-X, inclusive; and
24 ROE CORPORATIONS I-X, inclusive,

25 17 Third-party Defendants.
18 **FOXMARK MARKETING CORPORATION,**

19 19 Third-Party Plaintiff,

20 20 vs.
21 BATES METAL PRODUCTS, INC.; ROE
22 Individuals 11 through 20; and ZOE
23 CORPORATIONS AND ORGANIZATIONS
24 22 11 through 20, inclusive,

25 23 Third-Party Third-party
1 Defendants.

2 Case No.: **2:11-cv-01148-APG-GWF**

3 **STIPULATION AND ORDER FOR**
4 **DISMISSAL**

1 NATIONAL BEDDING COMPANY L.L.C.
2 and SERTA INC.,
3

4 Cross-Claimants
5

6 vs.
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8 FOX MARKETING CORPORATION, MOES
9 1-100, inclusive,
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11 Cross-Third-party Defendants.
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13 **STIPULATION AND ORDER TO DISMISS THIRD-PARTY DEFENDANT FOX**
14 **MARKETING CORPORATION WITH PREJUDICE**

15 IT IS HEREBY STIPULATED AND AGREED by and between the parties, Third-party
16 Plaintiffs NATIONAL BEDDING COMPANY, LLC and SERTA INC. ("Third-party
17 Plaintiffs"), by and through their counsel of record, BRAD R. KOHLER, II, ESQ., of the law
18 firm of THARPE & HOWELL, LLP and Third-party Defendant FOX MARKETING
19 CORPORATION by and through its counsel of record, the LAW OFFICE OF KENNETH E.
20 GOATES, ESQ., that the Third-party Complaint filed by Third-party Plaintiffs, and each and
21 every cause of action alleged therein, be dismissed **WITH PREJUDICE** as to FOX
22 MARKETING CORPORATION, only, each side to bear its own attorney fees and costs.

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1 Trial in this matter is currently set for January 17, 2014.
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DATED this 17th day of December, 2013.

3 **THARPE & HOWELL, LLP**

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Brad Kohler II

5 **BRAD R. KOHLER, II, ESQ.**
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9 Attorneys for Third-party Plaintiffs, NATIONAL BEDDING COMPANY, LLC and SERTA
INC.

10
11 DATED this 15 day of January, 2014.

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13 **LAW OFFICE OF KENNETH E. GOATES**

14
15 *KEN GOATES*
16 **KENNETH E. GOATES, ESQ.**

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20 Attorneys for Third-party Defendant, FOX MARKETING CORPORATION

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ORDER

Based upon the Stipulation of the parties, the Court having reviewed all pleadings and papers on file herein, and good cause appearing:

IT IS HEREBY ORDERED that Third-party Defendant FOX MARKETING CORPORATION is dismissed from the above-entitled action **WITH PREJUDICE**, each party to bear its own attorney fees and costs herein.

IT IS FURTHER ORDERED that the Clerk of the Court return to the settling parties jury fees, if any.

DATED this 17th day of January, 2014.



UNITED STATES DISTRICT JUDGE

Submitted By:

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